

Docket No.: 0020-4348P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eijiro WATANABE et al.

Appeal No.: 2007-4459

Application No.: 08/992,914

Confirmation No.: 4405

Filed: December 18, 1997

Art Unit: 1638

For: RAFFINOSE SYNTHASE GENES AND THEIR
USE

Examiner: D. H. Kruse

SECOND (2ND) REQUEST FOR REFUND

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the above-identified

☒ application

☐ patent

☐ A copy of the monthly statement in which the error referred to occurs,
accompanies this request.

II. FEES PAID FOR WHICH REFUND REQUESTED

AMOUNT OF
REFUND
REQUESTED☐ filing fee _____☐ search fee _____☐ examination fee _____☐ surcharge for filing the basic filing
on a date later than the filing date of
the application (37 C.F.R. § 1.16(e)) _____

and/or

☐ surcharge for filing the oath or declaration
on a date later than the filing date of the
application (37 C.F.R. § 1.16(e)) _____☐ extension of term☐ first month _____☐ second month _____☐ third month _____☐ fourth month _____☐ excess claims _____☐ issue fee _____☐ petition fee _____

<input type="checkbox"/>	patent maintenance fee	_____
<input type="checkbox"/>	first maintenance fee	_____
<input type="checkbox"/>	second maintenance fee	_____
<input type="checkbox"/>	third maintenance fee	_____
<input type="checkbox"/>	patent maintenance fee surcharge	_____
<input checked="" type="checkbox"/>	Other: Request for Oral Hearing Fee	<u>1,000</u>

TOTAL REFUND REQUESTED	<u>\$1,000.00</u>
------------------------	-------------------

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On July 16, 2007, Applicants requested an Oral Hearing. Applicants have on August 13, 2007 filed a letter canceling said request. Therefore, since no Oral Hearing will take place, Applicants respectfully request that the USPTO refund the fee of \$1,000 which was submitted with the request filed on July 16, 2007. The Notice of Hearing, with Hearing attendance waived, was fax filed on January 30, 2008.

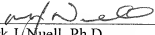
IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: February 14, 2008

Respectfully submitted,

By 
Mark J. Nuell, Ph.D.
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant